HON'BLE SRI JUSTICE A. GOPAL REDDY

WRIT PETITION NO.7007 OF 1997

DATE:12.07.2006

Between:

B. Deshmukh

..... PETITIONER

AND

The Chairman & Managing Director,
ECIL, Hyderabad & two others.

.....RESPONDENTS

HON'BLE SRI JUSTICE A. GOPAL REDDY

W.P. No.7007 OF 1997

ORDER:

The petitioner earlier approached this Court by way of filing W.P.No.4119 of 1991 for a mandamus directing the respondents to re-designate him as Technical Officer from due date of promotion, with all consequential benefits including further promotions and payments of arrears thereof. The said W.P. was allowed on 14.12.1995 with the following directions:

> "The Writ Petition is accordingly allowed. The petitioner shall be deemed to have been promoted as Technical Officer with retrospective effect from 1.4.1986 on which date he was promoted as Senior Foreman. It need not be emphasized that the petitioner shall be entitled for the attendant benefits such as difference of pay of the post of Technical Officer and Senior Foreman and Seniority etc."

Being not satisfied with the relief granted in the Writ Petition, the petitioner preferred Writ Appeal No.788 of 1996 and this Court by order dated 23.7.1996 disposed of the same with the direction as under:

> ".....the proper direction to issue in the Writ Petition, in our view, would have been to direct the respondents to consider the case of the writ petitioner-appellant with effect from the due date of promotion i.e. when he has been superseded by his next junior in the substantive cadre. Direction to promote with effect from a particular date, however, in our view, is not justifiable. Although the direction given by the learned single judge has apparently given such benefit to the writ petitioner-appellant with effect from a date in the year 1986, whether his eligibility for promotion will also convert itself into suitability for his promotion with effect from a date earlier to the date indicated in the impugned order or from a later date, will, however, be within the discretion of the respondents. The order in the impugned judgment is modified to the extent indicated above."

On disposal of the above Writ Appeal, it is stated that the petitioner has made a detailed representation on 12.8.1996 requesting the respondent-Management to settle the date of his promotion and pay additional benefits. On that, the respondent-Management through letter dated 5.11.1996 informed the petitioner that the directions issued in the W.P.No.4119 of 1991 had already been implemented vide proceedings dated 26.2.1996.

Now, the learned counsel for the petitioner contends that the said order has not been communicated to the petitioner.

Having regard to the above, the respondents are hereby directed to communicate a copy of the proceedings dated 26.2.1996 through which, the directions of this Court in W.P.No.4119 of 1991 have been implemented. On such communication, if the petitioner is aggrieved by the said proceedings, it is always open for him to challenge the same before the appropriate forum.

The Writ Petition, with the above direction, is disposed of. No costs.

A. GOPAL REDDY, J

12th JULY, 2006.
Tsr